



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 27, 1995

Ms. Susan M. Cory
General Counsel
Texas Workers' Compensation Commission
Southfield Building, MS-4D
4000 South IH-35
Austin, Texas 78704-7491

OR95-1599

Dear Ms. Cory:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 27181.

The Texas Workers' Compensation Commission (the "commission") received an open records request for, among other things, the source codes, programmers' notes, and project files regarding the Workers' Compensation Information Transfer System, which the commission is in the process of developing for the electronic submission of confidential claimant information. You explain that the requested information does not exist in written form, but rather consists of computer programs. You contend that the commission need not release the requested information because it does not constitute "public information" as defined in section 552.021 of the Government Code.

We agree. In Open Records Decision No. 581 (1990), this office determined that certain computer-related information, such as source codes and other computer programming, that has no significance other than its use as a tool for the maintenance, manipulation, or protection of public property is not the kind of information made public under section 552.021 of the Government Code. Accordingly, the requested information is not subject to the Open Records Act and the commission therefore need not release this information.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink that reads "Loretta DeHay". The signature is written in a cursive, flowing style.

Loretta R. DeHay
Assistant Attorney General
Open Government Section

LRD/RWP/rho

Ref.: ID# 27181

cc: Mr. Carter Riis-Due
Professional Databases, Inc.
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Dallas, Texas 75229
(w/o enclosures)